



W.P. No.8430 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.10.2022

CORAM

THE HON'BLE MR.JUSTICE **M.S.RAMESH**

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and M.P. No.1 of 2014

The Management,
Sri Soundari Saya Salai,
Chokkampudur Road,
Brindha Layout,
9B, Krishna Nagar,
Ponnaiarajapuram,
Coimbatore-641 001.

.. Petitioner

Vs

1.Joint Commissioner of Labour/
Appellate Authority under the
Payment of Gratuity Act 1972,
O/o.Deputy Commissioner of Labour,
Dr.Balasundaram Road,
Coimbatore-18.

2.Assistant Commissioner of Labour/
Authority under the
Payment of Gratuity Act 1972,
O/o.Deputy Commissioner of Labour,
Dr.Balasundaram Road,
Coimbatore-18.

3.V.Manoharan

4.P.Vasantha

5.V.Ranganathan



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6.S.Balasundaram

7.S.Anandkumar

.. Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India praying to issue a writ of Certiorari calling for the entire records of the first respondent herein vide order dated 30.09.2013 made in AGA.Nos.150/2011, 151/2011, 152/2011, 153/2011 and 154/2011 confirming the order made in G.A. Nos.159/2009, 203/2009, 204/2009, 205/2009 and 206/2009 dated 03.02.2011 on the file of the second respondent and quash the same.

For Petitioner : Mr.S.Saravanan

For Respondents : Mr.G.Velu,
Additional Government Pleader
for R1 and R2

Mr.R.M.D.Nasrullah
for R3 to 7

ORDER

This writ petition has been filed, challenging the order dated 30.09.2013 passed by the first respondent in AGA. Nos.150/2011, 151/2011, 152/2011, 153/2011 and 154/2011, confirming the orders dated 03.02.2011 passed by the second respondent in G.A. Nos.159/2009, 203/2009, 204/2009, 205/2009 and 206/2009.

2.The respondents 3 to 7 herein, who are in continuous employment between 01.04.1982, 01.04.1991, 01.04.1989,



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01.04.1990 and 01.04.1986 respectively and 30.07.2008 had filed Applications before the Controlling Authority under Rule 10(1) of the Tamil Nadu Payment of Gratuity Act. They had sought for computing the gratuity amount payable to them. The Controlling Authority, by orders dated 03.02.2011, had computed the claim made by respondents 3 to 7 and accordingly had passed orders, which were challenged by the Management before the Appellate Authority and the same were confirmed on 30.09.2003. Challenging these orders, the present writ petition has been filed.

3.Learned counsel for the petitioner submitted that the provisions of the Payment of Gratuity Act would not be applicable to the petitioner's establishment since the services of respondents 3 to 7 were less than 10 years. He further submitted that all these respondents herein have already been settled with the gratuity amount and they had produced the documents supporting such statement before the authority. The same has not been properly appreciated.

4.Per contra, learned counsel for respondents 3 to 7 herein placed reliance on the findings of the impugned order passed by the



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Controlling Authority and submitted that they had well established before the authority that the provisions of the Act would be applicable to the petitioner's establishment and the petitioner's failed to substantiate that these respondents were settled with the gratuity and therefore, there is no infirmity in the orders.

5.A perusal of the orders of the Controlling Authority would reveal that all these factual aspects have been taken into consideration. The Controlling Authority, while pointing out the documents produced by the Management, whereby certain gratuity amounts were paid to these respondents, had held that the provisions of the Payment of Gratuity Act would be applicable to all those respondents. Likewise, the Appellate Authority had also taken into consideration the failure on the part of Management in not producing the relevant documents relating to the attendance, wage register, etc. and had confirmed the claim made by these respondents. These factual aspects, cannot be revisited by this Court exercising its powers under Article 226 of the Constitution of India. Moreover, there was a duty cast on the Management to have produced all the relevant documents to substantiate their cases, particularly, when they claimed that these respondents had not worked for more than three years.



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6.I do not find any reason to interfere with the orders passed by both the Controlling Authority as well as the Appellate Authority. Accordingly, the writ petition stands dismissed. In view of the dismissal of the present writ petition, respondents 3 to 7 are at liberty to claim the amount, computed by the Controlling Authority in the orders dated 03.02.2011. Consequently, connected M.P. stands closed. No costs.

26.10.2022

Index : Yes
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